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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,417

01/26/2004

Hajime Yagi

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06/27/2006

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MAKIYA, DAVID J

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,417

Applicant(s)

YAGI, HAJIME

Examiner

David J. Makiya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9-14,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 7, 9-14, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauer et al. (US Patent 6,509,832).

With respect to claim 1, Bauer et al. teaches an outside mirror for a vehicle, comprising an image capturing unit 26a; and a visible light emitting unit 180 that emits visible light, wherein the visible light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Column 14, Lines 22-26), and the visible light emitting unit functions as any one of a side-turn lamp, a side marker lamp, or a turn lamp of a front combination lamp of the vehicle (Column 14, Lines 2-4).

With respect to claim 3, Bauer et al. teaches the outside mirror wherein the visible-light emitting unit includes a visible-light distribution controller 510 that controls distribution of the visible light emitted within a predetermined range, wherein the visible-light distribution controller is configured as a reflector or a prism (Figure 14).

With respect to claim 4, Bauer et al. teaches the outside mirror further comprising a lens 504 that transmits the visible light emitted.

With respect to claim 5, Bauer et al. teaches the outside mirror wherein the visible-light emitting unit is provided as a unit part (Figure 14).

With respect to claim 7, Bauer et al. teaches the outside mirror further comprising an infrared emitting unit 182 that emits infrared radiation (Column 14, Lines 27-29).

With respect to claim 9, Bauer et al. teaches the outside mirror wherein the visible-light emitting unit includes a visible-light distribution controller 510 that controls distribution of the visible light emitted within a predetermined range.

With respect to claim 10, Bauer et al. teaches the outside mirror wherein the infrared emitting unit includes an infrared radiation distribution controller 512 that controls distribution of the infrared radiation emitted within a predetermined range; and the visible-light emitting unit includes a visible-light distribution controller 510 that controls distribution of the visible light emitted within a predetermined range.

With respect to claim 11, Bauer et al. teaches the outside mirror further comprising a first lens 510 that transmits the visible light emitted.

With respect to claim 12, Bauer et al. teaches the outside mirror further comprising a second lens 512 that transmits the infrared radiation emitted.

With respect to claim 13, Bauer et al. teaches the outside mirror wherein the infrared emitting unit is provided as a unit part (Figure 14).

With respect to claim 14, Bauer et al. teaches the outside mirror wherein the infrared emitting unit includes an infrared source 508, the infrared source includes at least one infrared light-emitting-diode that emits the infrared radiation (Column 14, Lines 27-29), the visible-light

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emitting unit 506 includes a visible-light source, and the visible-light source includes at least one visible light-emitting-diode that emits the visible light (Column 13, Line 66-Column 14, Line 2).

With respect to claim 19, Bauer et al. teaches an outside mirror for a vehicle, comprising an image capturing unit 26a and a visible-light emitting unit 180 that emits visible light, wherein the image capturing unit captures an image of an area illuminated by the visible-light emitted or near the area (Figure 14), and the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Column 14, Lines 22-26), and the visible light emitting unit functions as any one of a side-turn lamp, a side marker lamp, or a turn lamp of a front combination lamp of the vehicle (Column 14, Lines 2-4).

With respect to claim 20, Bauer et al. teaches an outside mirror for a vehicle, comprising an image capturing unit 26a and a visible-light emitting unit 180 that emits visible light, wherein the visible-light emitting unit illuminates an area where the image capturing unit captures an image or near the area (Figure 14), and the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Col. 14, Line 22-26), and the visible light emitting unit functions as any one of a side-turn lamp, a side marker lamp, or a turn lamp of a front combination lamp of the vehicle (Column 14, Lines 2-4).

Allowable Subject Matter

Claims 6 and 15-18 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

With respect to claims 6 and 18, the prior art fails to teach or suggest an outside mirror with an image capturing unit controlled by a tilting mechanism.

With respect to claims 15-17, the prior art fails to teach or suggest an outside mirror with an infrared LED on one substrate surface and a visible LED on another surface of the substrate.

Response to Arguments

Applicant's arguments, see Remarks, filed 4/27/2006, with respect to 35 USC §103 have been fully considered and are persuasive. The rejection of claims 1-5, 7-14, and 19-20 have been withdrawn. However, Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

In response to applicant's arguments, the recitation "the outside mirror for a vehicle" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's arguments on Page 7, the Bauer reference teaches the visible light emitting unit functioning as a turn lamp as described in Column 14, Lines 2-4. In addition, the Misaiji et al. reference teaches the luminous bodies as a side marker lamp of the vehicle because the luminous bodies are located on the side of the vehicle and emit visible light, thereby locating the side of the vehicle. The Bauer reference also teaches "LEDs 508 may additionally

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include LEDs for emitting IR radiation” (Column 14, Lines 27-29), thereby anticipating the applicants claim 7 reciting “an infrared emitting unit that emits infrared radiation.”

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

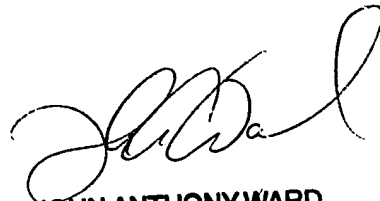
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM 06/14/2006



JOHN ANTHONY WARD
PRIMARY EXAMINER